(1) (4)

SINGLE BENCH

**IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WRIT PETITION (C) No. 225 /2007**

PETITIONER — Gulpat Rai aged about 65 years, S/o Laharu R/o Mukampur, Gram Panchayat Hasod, Tahsil Jaijaipur, Distt. Janjgir Champa (C.G.)

P.R. No. 976/07
Presented by Shri Paras Kotecha
dated 02/02/07

**VERSUS**

RESPONDENTS

1. The State of Chhattisgarh, *through Secretary, Panchayat and* Rural Department, D.K. S Bhawan , Raipur
2. Sub Divisional Officer (Revenue), Sakti Distt. Janjgir Champa
3. Narsingh Sinha aged about 31 years, S/o Nandram Sinha, R/o Village Hasod Tahsil Jaijaipur Distt. Janjgir Champa
4. The Collector, Janjgir Champa
5. *Director, Panchayat,* D.K.S Bhawan Raipur

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COMMISSIONER S.R. Kaushik TAHSIL AREA BILASPUR

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA**

(74)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (c) No. 225 of 2007

Petitioner : Gulpat Rai

Versus

Respondents : The State of Chhattisgarh & others

**Single Bench**: Hon'ble Mr. Justice Satish K. Agnihotri.

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Mr. Parag Kotecha, Advocate for the Petitioner.
Mr. Suryakant Verma, Panel lawyer for the respondents No. 1, 2, 4 and 5/State.
Mr. Vinay Pandey, Advocate for the Caveator/respondent No. 3.

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ORDER

(Passed on this 13th day of February, 2007)

1. Learned counsel appearing for the petitioner submits that against the order dated 13.9.2006 (Annexure P/8), passed by the Additional Collector, Janjgir-Champa, appeal is not maintainable to the Director under Rule 3 of the Madhya Pradesh Panchayats (Appeal and Revision) Rules, 1995 (hereinafter referred to as 'the Rules, 1995')

2. The respondent No. 3 has preferred the revision under Rule 5 of the Rules, 1995. Proviso to the said Rule 5 clearly provides that no revision is maintainable if an order is appealable under the Act. In view of that, it appears, the Director has taken the cognizance of the matter under Rule 5 of the Rules, 1995, which according to the petitioner, is not maintainable.

(75)

3. Be that as it may, the order passed in revision is set aside. The Director, Panchayat may consider the case if an appeal under Rule 3 of the Rules 1995 is maintainable and pass appropriate order, in accordance with law.

4. The writ petition is accordingly allowed. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Bablu